

REMARKS/ARGUMENTS

Claims 2, 4, 13-14, 18, 26-29, and 31-32 were pending in this application. According to the August 30, 2005 Final Rejection, claims 2, 4, 13-14, 18, 26-29, and 31-32 were rejected. Applicant has amended claim 29. Accordingly, claims 2, 4, 13-14, 18, 26-29, and 31-32 are under consideration. Applicant maintains that the amendments do not introduce any new matter.

Rejection of Claims 2, 4, 27, 29, 31, and 32 under U.S.C. 112

The Examiner rejected previously presented claims 2, 4, 27, 29, 31, and 32 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that "said surface" as recited by claim 29 at line 15 is vague and indefinite because it is not clear as to which surface applicant is referring. In response to the Examiner's rejection of claim 29 in view of Hall as described below, applicant has amended this claim to remove the phrase "said surface".

Rejection of Claims 2, 4, 27, 29, 31, and 32 in view of Hall

The Examiner rejected previously presented claims 2, 4, 27, 29, 31, and 32 as unpatentable, 35 U.S.C. 102(b), in view of Hall, patent 637,733, November 21, 1899 (hereinafter Hall). Beginning with independent claim 29, the Examiner indicated that Hall discloses in Figure 2 a device "G" having all the claimed features as recited by claim 29. In response to the Examiner's rejection, applicant has amended claim 29 to clarify the convex shape of the "extended hook region surface" and the "body portion surface." Claim 29 now recites in part,

a vertical plane of said device passing through a center of said extended hook region surface, a center of said body portion surface, and a center of said rod retaining surface; and

wherein said extended hook region surface is convexly shaped in a direction orthogonal to said vertical plane, wherein said body portion surface is convexly shaped in the direction orthogonal to said vertical plane, and wherein said body portion surface is also convexly shaped along said vertical plane

The Examiner equated the inner surface of region "f" of device "G" to the body portion surface of claim 29 and equated the inner surface of region "g" of device "G" to the extended hook region surface of claim 29. Applicant respectfully submits that the inner surfaces of regions "f" and "g" are not convexly shaped as now recited by claim 29 and as such, Hall does not teach claim 29. In particular, similar to claim 29, device "G" has a vertical plane that passes through the centers of the "extended hook region surface," the "rod retaining surface," and the "body portion surface," as these surfaces are defined by the Examiner. It appears to applicant that the inner surface of region "f" is "convexly shaped along" the vertical plane of device "G," as similarly recited by claim 29. However, contrary to claim 29, the inner surface of region "f" is not "convexly shaped in [a] direction orthogonal" to the vertical plane of device "G". Rather, as shown in Hall Figure 2, the inner surface of region "f" is flat in this direction. Similarly, the inner surface of region "g" is also not "convexly shaped in a direction orthogonal" to the vertical plane of device "G," contrary to claim 29. Rather, as shown in Hall Figure 2, the inner surface of region "g" is also flat in this direction.

Accordingly, contrary to claim 29, device "G" does not have a body portion surface and an extended hook region surface that are convexly shaped in a direction orthogonal to a vertical plane of the device. In addition, applicant respectfully submits that there is no suggestion or motivation to modify device "G" such that the inner surfaces of regions "f" and "g" are convexly shaped in a direction orthogonal to a vertical plane of device "G". In particular, Hall teaches that the hook portion of device "G" "nearly surround[s] the [handle-bar], and ... cling[s] to and hold[s] the bar" when inserted thereon and "nearly encircle[s] [the handle-bar], preventing [the hook's] easy detachment therefrom". (Hall, column 1, lines 45-53; column 2, lines 72-80). Applicant

respectfully submits that if the inner surfaces of regions "f" and "g" were modified to be convexly shaped as now recited by claim 29, less of the hook portion would cling to/hold the bar, thereby causing device "G" to more readily detach from the bar, which is contrary to the teachings of Hall. Accordingly, modifying the inner surfaces of regions "f" and "g" to be convexly shaped as recited by claim 29 would render device "G" unsatisfactory for its intended purpose. As such, there is no suggestion or motivation to make such a change. (see MPEP §2143.01).

Accordingly, Hall fails to teach or suggest claim 29, in addition to claims 2, 4, 27, 31, and 32, which depend therefrom.

Rejection of Claims 13, 14, 18, 26, and 28 over Hall in view of Adkins

The Examiner rejected previously presented claims 13, 14, 18, 26, and 28 as unpatentable, 35 U.S.C. 103(a), over Hall in view of Adkins, patent 5,083,813 January 28, 1992 (hereinafter Adkins). Beginning with independent claim 18, it recites in part,

a garment hanging rod with a diameter of a first dimension;

a hook shaped member having a body portion and a hook portion; ...

an extended hook region on an end of said hook portion and having an extended hook region surface;

a body portion surface opposing said extended hook region surface and defining a hook opening between said body portion surface and said extended hook region surface; ... and

wherein said extended hook region surface and said opposing body portion surface are configured such that a distance between said extended hook region surface and said opposing body portion surface has a second dimension approximately a same size as said first dimension of said diameter of said garment hanging rod such that passage of said rod through said hook opening is impeded.

The Examiner appeared to indicate that Hall teaches through handle-bar "J" and device "G" a rod and a hook shaped member as recited by claim 18, but that Hall does not teach that the hook opening of device "G" has a dimension approximately a same size as the diameter of handle-bar "J". Here, the Examiner indicated that Adkins teaches a hook opening that is slightly less than the diameter of a rod and that in view of Adkins, it would be obvious to one of ordinary skill in the art to have made the hook opening of device "G" to be approximately the same size as the diameter of handle-bar "J". Applicant respectfully disagrees.

Hall teaches that the size of the hook opening of device "G" is smaller than the diameter of handle-bar "J" and in particular and as indicated above, teaches that the hook portion of device "G" "nearly surround[s] the [handle-bar], and ... cling[s] to and hold[s] the bar" when inserted thereon and "nearly encircle[s] [the handle-bar], preventing [the hook's] easy detachment therefrom." (Hall, column 1, lines 45-53; column 2, lines 72-80).

Applicant acknowledges that Adkins teaches a clip 10 with an opening 16, wherein the opening has a size that is "slightly less" than the diameter of the lower portion of shaft 28. (Adkins, column 3, lines 1-25). Applicant respectfully submits, however, that if the hook opening of Hall device "G" were modified as taught by Adkins to have a size that is "slightly less" than the diameter of handle-bar "J", the hook portion would no longer "nearly surround" or "nearly encircle" the handle-bar. Rather, the hook portion would surround only slightly more than half the handle-bar. However, such a configuration is contrary to the teachings of Hall, which specifically teaches that the hook portion nearly encircles the bar to prevent its easy detachment therefrom, as indicated above. As such, it appears to applicant that if device "G" were modified as suggest by the Examiner, the device would easy detach from the handle-bar, defeating a feature of the device as taught by Hall.

Accordingly, modifying device "G" in view of Adkins would render device "G" unsuitable for securely attaching the device to the handle-bar, thereby making the device unsatisfactory for its intended purpose. As such, there is no suggestion or motivation to make

such a change. (see MPEP §2143.01). Accordingly, applicant respectfully submits that Hall and Adkins fail teach or suggest claim 18, in addition to claims 13, 14, 26, and 28, which depend therefrom.

Conclusion

Since Hall and Adkins do not teach or suggest applicant's invention, alone or in combination, as now set forth in claims 13-14, 18, 26, and 28 and amended claims 2, 4, 27, 29, and 31-32, applicant submits that these claims are clearly allowable. Favorable reconsideration and allowance of these claims are therefore requested.

Applicant earnestly believe that this application is now in condition to be passed to issue, and such action is also respectfully requested. However, if the Examiner deems it would in any way facilitate the prosecution of this application, he is invited to telephone applicant's agent at the number given below.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label #EV606187985US) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 23, 2005:

Dorothy Jenkins

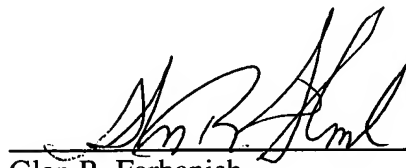
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Date of Signature

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